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Report on the activities of the Office of Internal Oversight Services

Audit of conference services put at the disposal of the Human Rights Council in 2009

Report of the Office of Internal Oversight Services

"Insufficient resources were put at the disposal of the Division of Conference Management to provide conference services to the Human Rights Council"

Summary

Pursuant to General Assembly resolution 63/284, the Office of Internal Oversight Services (OIOS) conducted an audit of the circumstances that led to insufficient conference services being put at the disposal of the Human Rights Council in 2009.

OIOS concluded that insufficient resources had been put at the disposal of the Division of Conference Management to provide conference services to the Human Rights Council while maintaining the same level of service to the Division's other Geneva-based clients. The Division of Conference Management substantively reports to the Department for General Assembly and Conference Management and administratively to the United Nations Office at Geneva. The resource requirements for providing conference services to the Council's universal periodical review process were estimated at \$3,847,300 for the biennium 2008-2009, but the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Division of Conference Management overlooked the fact that three annual sessions had to be provided for. Thus, the real resource requirements were nearly three times higher than the estimate. However, the amount finally approved by the General Assembly was only \$874,000. The combination of these factors indicated that the processes for determining resource requirements for conference services on an "as required" basis needed to be reviewed.



The permanent capacity of the Division of Conference Management needs to be increased to provide more flexibility in dealing with fluctuations in the volume and timing of the document-processing workload. The workload had been fairly predictable until the creation of the Human Rights Council, with the ability to request conference services on an "as required" basis. To that end, OIOS is of the view that it is necessary for the Division of Conference Management, in consultation with the Department for General Assembly and Conference Management, to develop a strategy for ensuring that the optimal permanent staffing levels required for providing acceptable standards of service are established. If immediate action is not taken to address this issue, other Geneva-based clients serviced by the Division of Conference Management could face a problem similar to that experienced by the Human Rights Council.

The audit showed substantial delays in the submission of documents to the Division of Conference Management for processing. For example, in the first six months of 2009, approximately 55 per cent of the documents were submitted late. Compliance with the 10-week rule for the submission of documentation would permit the timely processing of documents relating to the Human Rights Council in all the official languages of the United Nations.

Improved communication, coordination and collaboration between OHCHR and the Division of Conference Management could improve mutual understanding of constraints and facilitate more effective resolution of differences and misunderstandings that may occur in the course of operations. OIOS is of the view that the Division of Conference Management, in cooperation with OHCHR, should establish a more effective collaborative arrangement through the designation of focal points, regular meetings and outreach activities to facilitate better coordination and collaboration.

I. Introduction

1. Pursuant to General Assembly resolution 63/284, the Office of Internal Oversight Services (OIOS) conducted an audit of conference services provided to the Human Rights Council. The main objective of the audit was to determine the circumstances that led to insufficient conference services being provided by the Division of Conference Management to the Human Rights Council in 2009, specifically in the areas of document processing and translation.

2. The Division of Conference Management, located in Geneva, substantively reports to the Department for General Assembly and Conference Management and administratively to the United Nations Office at Geneva. A chronological overview of the main issues relating to the provision of conference services to the Human Rights Council is summarized in paragraphs 3 to 10 below.

A. Establishment of the Human Rights Council

3. The General Assembly, in its resolution 60/251, established the Human Rights Council in Geneva as a subsidiary organ of the General Assembly to assume the roles and responsibilities of the former Commission on Human Rights. In paragraph 5 (e) of the resolution, the Assembly decided that the Council should undertake a universal periodic review of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States.

B. Institutional capacity of the Division of Conference Management

4. In its resolution 5/1 of 18 June 2007, the Human Rights Council set out the modalities of the universal periodic review mechanism. In November 2007, the Secretary-General submitted statements of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly on institution-building of the Council (A/C.3/62/L.60 and A/C.5/62/12) in which resources in the amount of \$3,847,300 were requested for the biennium 2008-2009 for the Division of Conference Management under budget section 2, General Assembly and Economic and Social Council affairs and conference management, for servicing of the universal periodic review process. In December 2007, the Advisory Committee on Administrative and Budgetary Questions recommended approval of a team of interpreters to improve the scope of the interpretation capacity and five P-5 positions for quality control in connection with contractual translation for the Division of Conference Management (A/62/7/Add.25). The Advisory Committee recommended that no additional resources be provided for the universal periodic review, citing the existence of temporary assistance resources for meetings in the proposed programme budget and the creation of 25 new posts in the Division of Conference Management (A/62/7/Add.26).

5. In September 2008, the Office of the United Nations High Commissioner for Human Rights (OHCHR), pursuant to Council resolution 8/1, submitted a report (A/HRC/9/18) on conference facilities and financial support for the Human Rights Council based on a joint review by OHCHR and the Division of Conference Management of the document processing and submission situation and an

assessment by the Department of Public Information of the information-servicing requirements of the Council, including the proposal to webcast all proceedings of the Council's working groups. The report included the Division's assessment of the situation relating to the submission of documents to the Council, including those concerning the universal periodic review, in particular delays in the translation of documents into the six official languages of the United Nations. It was noted in the report that the Division was constrained by the lack of permanent translation capacity and difficulties associated with recruiting freelancers in the Geneva area. On the basis of that report, a statement of programme budget implications (A/C.3/63/L.77) was submitted to the Third Committee. On 25 November 2008, the Third Committee revised a draft resolution on the report of the Human Rights Council (A/C.3/63/L.57), later adopted as resolution 63/160, by replacing the words "endorses the report of the Human Rights Council" (A/63/53 and Add.1) with the words "takes note of the report of the Human Rights Council". Consequently, the related statement of programme budget implications (A/C.3/63/L.77) was withdrawn, as it no longer applied. Subsequently, the Secretary-General submitted to the Assembly a report on revised estimates resulting from resolutions and decisions adopted by the Council at its ninth session (A/63/541/Add.1), annex II to which contained, for information only, a summary of the resources set out in the withdrawn statement of programme budget implications.

C. Request for waiver of page limits for reports relating to the universal periodic review

6. In February 2009, the Universal Periodic Review Working Group adopted 16 reports, of which 13 exceeded the word limits established by the Human Rights Council (see A/63/53/Add.1), as Member States considered it important to reflect all discussions and recommendations. In March, the United Nations High Commissioner for Human Rights requested the Under-Secretary-General for General Assembly and Conference Management to waive the page limits. The waiver was denied in view of the Council's self-imposed word limits and the lack of resources available to process the additional workload.

7. The Human Rights Council, on 18 June 2009, adopted decision 11/117 on the issuance of reports of the Working Group in all official languages of the United Nations, to be submitted to the General Assembly. During its consideration of the question, an oral statement on the related budget implications was presented to the Council. OHCHR, noting an error in the statement, informed the Council that the resource requirements for the biennium 2010-2011 should be \$4,368,900 rather than the \$1,439,800 indicated. A revised statement was distributed to the Council the following day.

8. In the decision, the Council decided that: (a) all reports adopted by the Working Group at its fourth and fifth sessions should be issued as official documents in all official languages of the United Nations prior to the twelfth session of the Council; (b) the Working Group should endeavour to apply in its reports the word limits established in the annex to president's statement 9/2, bearing in mind that the Working Group was entrusted with the authority to decide on the adoption of reports that exceptionally exceeded those word limits; and (c) reports adopted by the Working Group should be issued as official documents in all official languages of the United Nations in a timely manner before their consideration by the Council.

D. Opinion of the Office of Legal Affairs on word limits

9. In June 2009, the Office of Legal Affairs, pursuant to a request by the Under-Secretary-General for General Assembly and Conference Management for a legal opinion regarding the authority of the Universal Periodic Review Working Group to decide on the adoption of the reports that exceed the word limits established by the General Assembly, the Office indicated that:

... when [the] General Assembly reviews the above-mentioned Council decision it would be advisable for it to recall its resolution on the control and limitation of documentation where it has expressed the view that its subsidiary organs and intergovernmental bodies should restrict the length of their reports to thirty-two pages Any decision by the General Assembly that leaves room for doubt as to authority of the working group to exceed the thirty-two page limit should require the Secretariat to edit and translate reports that go beyond this limit. This would have financial implications for the Organization, as additional resources would be needed in order to deal with growing workload that such reports generate and it is incumbent upon the Secretary-General to draw the Assembly's attention to such concerns.

10. This was interpreted by the Department to mean that neither the Universal Periodic Review Working Group nor the Human Rights Council was entitled to waive word limits without approval by the General Assembly and a related statement of programme budget implications.

II. Insufficient financial resources at the disposal of the Division of Conference Management to service the Human Rights Council

11. An oral statement on the financial implications of the adoption of Council resolution 5/1, which sets out the modalities of the universal periodic review mechanism, was presented to the Council during its consideration of the question. The estimate included an amount of \$3,847,300 for conference-servicing requirements for the Working Group in the biennium 2008-2009. The amount was computed by OHCHR and the Division of Conference Management using the normal procedure whereby standard costs are multiplied by workload estimates. It was subsequently determined that the estimate was insufficient because the workload estimates used as the basis for the computation pertained to only one session rather than the three annual sessions provided for in the resolution. Thus, the real resource requirements were nearly three times higher, at an estimated \$9,757,566, based on the workload and servicing requirements of the sessions of the Working Group. Although the error was noted before the financial implications were considered by the Fifth Committee, the Office of Programme Planning, Budget and Accounts considered that it was too late to make changes to the final budget estimates and that the Department for General Assembly and Conference Management could accommodate the additional financial resources from its budget. The Division of Conference Management did accommodate the additional requirements by not processing summary records of the sessions of the Human Rights Council held in 2008, at the request of the Council, on the assumption that the resulting gain in capacity would cover the processing of documents pertaining to the universal periodic review. In addition, although the resources necessary to process

the reports of the universal periodic review in all official languages were lacking, the Division of Conference Management did process the recommendations contained in the reports, despite their non-adherence to the limit of 9,630 words per report, so that the Council could proceed with the programme of work for its eleventh session. The Advisory Committee on Administrative and Budgetary Questions recommended that no net additional resources be provided for servicing the Human Rights Council (see A/62/7/Add.26) since the Division of Conference Management had been allocated 25 new posts (20 for interpreters and 5 for managing translation) (see A/62/7/Add.25). The General Assembly finally approved only \$874,000 for the full servicing of the universal periodic review in 2008-2009, which was significantly less than the requirements; that amount was lower than the actual resources required to prepare the documentation for the first session of the Universal Periodic Review Working Group.

12. OHCHR has limited time in which to prepare estimates of resource requirements in collaboration with the Division of Conference Management. The time may be limited to only a few days, and changes to a draft resolution may occur in the moments before final voting, thus affecting the financial implications. *OHCHR stated that this matter was complicated and that the processes in need of review were not necessarily those of OHCHR, but rather involved the entire system, including the Division of Conference Management, the Programme Planning and Budget Service in Geneva and the Office of Programme Planning, Budget and Accounts in New York. OHCHR was not in a position to review final budgetary projections until a formal statement was released by the Office of Programme Planning, Budget and Accounts. Thus, in the two instances cited, the per session cost estimates had not been multiplied by the appropriate number of meetings. The audit showed that the processes used at OHCHR for preparing estimates of financial resources for the provision of conference services in connection with the universal periodic review process did not ensure accuracy of the budgetary projections and oral statements submitted to the Office of Programme Planning, Budget and Accounts. There is a need for strengthening the review processes in order to ensure the accuracy of future budgetary projections.*

III. Insufficient capacity of the Division of Conference Management to service the Human Rights Council and other Geneva-based clients

13. In 2008, the permanent capacity of the Division of Conference Management was increased, primarily in interpretation, and the scope of contractual translation services was expanded as well. The Division confirmed that additional funding on an ad hoc basis could not help it to alleviate some of the problems that led to delays and backlogs in translating documents relating to the Human Rights Council and the universal periodic review. OIOS agrees with the Division that there is a need to increase permanent capacity to provide the Division with more flexibility in dealing with fluctuations in the volume and timing of the document-processing workload, which had been fairly predictable until the Council was created with the ability to request conference services on an "as required" basis.

14. In formulating the budget for the biennium 2008-2009, the Division of Conference Management made an effort to increase its permanent capacity in the

area of document processing. However, OIOS is of the opinion that those efforts were unsuccessful because the Division did not include information concerning its current capacity, shortfalls and estimated resource requirements based on productivity levels. It was therefore difficult for the Division to make a convincing case for a permanent increase in resources. There are data from various sources regarding resource requirements, productivity levels and estimated capacity in various sections of the Division that do justify the need for additional capacity, and these should be used for formulating a strategy for resource allocation purposes in the Department for General Assembly and Conference Management as a whole. This is necessary in order to determine the resource needs to be met by the Department on short notice, as well as the extent to which the permanent capacity of the Division needs to be expanded. The strategy also needs to consider the use of computer-assisted translation. If immediate action is not taken to address this strategic issue, other Geneva-based clients serviced by the Division could face similar problems in implementing their work programmes. *The Department for General Assembly and Conference Management stated that Member States had been apprised time and again, in various forums and in considerable detail, of the very significant unexpected additional workload generated by the Human Rights Council following its establishment. As a result, the Department finds it difficult to conclude that the reluctance of Member States to allocate additional resources is the result of the provision of inadequate information.*

15. OIOS is of the opinion, however, that a strategy document would be a useful basis for an assessment by the Division of Conference Management and the Department as a whole of the financial implications and resource requirements of draft resolutions and decisions. It would be particularly useful in situations where the resolution or decision would result in significant increases in workload and where the Department has to organize the workload in terms of the integrated global management initiative (see A/64/166), under which the four conference-servicing duty stations of New York, Geneva, Vienna and Nairobi have started the process of streamlining operations, sharing resources and workload and achieving economies of scale. Integrated global management is an approach for identifying future budgeting and management practices that address the resource implications of open-ended mandates, such as those entailed by the creation of the Human Rights Council and the in- and post-session documentation for the universal periodic review process. Such situations are not adequately addressed in the current mechanism, since the financial implications are computed by simply multiplying the workload estimates by standard costs.

IV. Delays in the submission and processing of documents

16. According to General Assembly resolution 47/202 B, all documents to be translated are to be submitted 10 weeks before the commencement of the session. The Division of Conference Management has four weeks to process the documents, which includes pre-editing, evaluation, referencing, translation, text processing, reproduction and distribution. Finalized documents must be submitted to OHCHR for distribution to Member States six weeks before the opening of the session. *The Department for General Assembly and Conference Management stated that compliance with the 10-week rule for the submission of documentation was essential for timely processing and for ensuring issuance — a requirement always stressed in the annual General Assembly resolution on the pattern of conferences.*

17. Of the pre-session documents accepted from the Human Rights Council for processing in 2008, approximately 67 per cent were submitted late. During the first six months of 2009, approximately 55 per cent of the documents were submitted late. Of the documents received on time, the Division of Conference Management issued 64 per cent on time, that is, within the six-week timeline, in 2008 (88 per cent in 2009, as at 20 July). OIOS notes the improvement made since 2008 by both the Council in timely submission and the Division in timely processing. OHCHR indicated that it did not have control over all types of reports emanating from special rapporteurs and Member States. However, OHCHR acknowledged that its reports were late as well and that it should be making a greater effort to ensure timely submission. OHCHR also indicated that it had limited information regarding the nature of the 10-week rule and on the extent of editing included in the 10-week timeline, and that it needed further clarification of the Division's processes. The pre-session editing of documents is an issue that requires greater coordination in view of the different interpretations attached to the timeline for such editing and its impact on the 10-week requirement, as does the issue of when a document is accepted for processing by the Division and officially entered into the document-tracking system. Nevertheless, compliance with the requirement would essentially permit the timely processing of documents relating to the Human Rights Council in all the official languages of the United Nations. *OHCHR stated that the question of "pre-editing" was an important consideration in the submission of documents. The requirement for extensive "pre-editing" by the substantive office in Geneva placed an additional burden on the Office and also raised issues of consistency and standards, as the substantive office was thus required to have editorial capacity outside the established system of editorial control. This was a key issue having considerable impact on the capacity of OHCHR to meet its submission deadlines, and should accordingly be addressed as a priority.*

V. Submission of documents in excess of page limits

18. The Human Rights Council established a number of word and page limits to guide its activities and ensure the availability of resources to match its document-processing needs. By its resolution 5/1, the Council developed modalities for pre-session documents relating to the universal periodic review, including a limit of 20 pages for the presentation of information by the concerned member State, a limit of 10 pages for information compiled by OHCHR and a limit of 10 pages for additional information provided by other relevant stakeholders. In its resolution 62/219, the General Assembly endorsed the Council's decision to adopt resolution 5/1. Furthermore, the Council imposed word limits for in-session and post-session documentation related to the universal periodic review, which were set five months after the first session of the Working Group, at 9,630, 3,210 and 2,675 words, respectively (see A/63/53/Add.1, annex).

19. The Division of Conference Management and OHCHR also have to take into consideration the following General Assembly resolutions and other guidelines concerning page and word limits for official documents:

(a) Assembly resolution 36/117 A, in which the overall limit of reports of subsidiary bodies of the Assembly is set at 32 pages;

(b) Report of the Secretary-General on the control and limitation of documentation (A/52/291), in which the limit for documents originating within the Secretariat is set at 16 pages;

(c) Assembly resolution 53/208 B, in which the Assembly stressed the need for compliance with word limits and invited intergovernmental bodies to reduce the length of reports to 20 pages. The Department for General Assembly and Conference Management utilizes a corresponding word limit of 10,700 words for reports of intergovernmental bodies.

20. The above-mentioned limits were not adhered to in a number of instances. For example, the reports of the fourth session of the Working Group, which were to be considered at the eleventh session of the Human Rights Council, included 13 reports that exceeded the limit of 9,630 words by a total of 35,066 words. Such excesses not only had financial implications, but also disrupted the workflow, as priorities had to be adjusted and the costs absorbed within the permanent capacity of the Division of Conference Management. Overall, of the pre-session documents accepted for processing from the Human Rights Council, only 9 per cent were within the page limit in 2008 and 12 per cent were within the page limit in 2009.

21. The Human Rights Council, in its decision 11/117, provided for page limits and exceptions to the limits. The Council decided that the Universal Periodic Review Working Group should endeavour to apply in its reports the word limits established in president's statement 9/2 and could decide on the adoption of reports that exceptionally exceeded the word limits.

VI. Inadequate coordination between the Division of Conference Management and the Office of the High Commissioner affecting the efficiency of operations

22. The effective provision of conference services to the Human Rights Council relies on the joint efforts of the Division of Conference Management and OHCHR as the conference services provider and the substantive secretariat, respectively. Improved communication, coordination and collaboration between the two entities would improve mutual understanding of the constraints faced and facilitate more effective resolution of differences and misunderstandings that may occur in the course of operations. Joint planning of servicing needs and outreach activities, as well as greater sharing of tools, templates and the editorial toolbar could improve service provision. Similarly, briefing Member States on the nature of conference services provided to them could raise awareness of the availability of services and the constraints faced in their delivery.

23. Although meetings have taken place between the Division of Conference Management and the Human Rights Council secretariat in OHCHR, greater collaborative efforts are needed at the policy level to verify conference-servicing needs arising from new mandates so as to limit the impact on service delivery and timeliness. Establishing a more permanent collaborative arrangement between the Division of Conference Management and OHCHR with interdisciplinary teams and a focal point who participates in the Council's meetings would facilitate better coordination and collaboration. *OHCHR stated that it would be useful for the Division to have a focal point to participate in meetings of the Council so as to take*

note of the Council's intentions and clarify requirements included in its draft resolutions. Likewise, more consistent sharing of information would be useful and would facilitate better coordination. The Department for General Assembly and Conference Management stated that the establishment of a working group comprising representatives of the Council, OHCHR and the Division tasked specifically with solving issues pertaining to the full and timely servicing of the Council has already begun its work. The Department is confident that the working group will produce practical and actionable results in the near future.

VII. Recommendations

Recommendation 1

24. OHCHR should improve the processes involved in estimating the budgetary implications of the Human Rights Council's decisions, considering that current arrangements are not adequate to cope with the Council's new mandates.

25. OHCHR stated that statements of programme budget implications were prepared in accordance with the rules of procedure of the General Assembly. The process of preparing statements for presentation to the Human Rights Council in advance of the adoption of its resolutions required input and collaboration among various parties and was severely constrained by the limited time available for their preparation. It was not simply a matter of OHCHR processes, nor did it fall within the authority of OHCHR to revise the process, which should in fact be considered at the level of the Office of Programme Planning, Budget and Accounts. OHCHR further stated that statements of budgetary implications were merely informational and that there was ample time for further review and recosting if necessary when the estimates were formally presented to the General Assembly. The Department for General Assembly and Conference Management stated that OHCHR usually consulted the Division of Conference Management to ensure the production of more accurate statements of programme budget implications. OIOS is of the opinion that the current processes are not flexible enough to cope with the ability of the Council to request conference services on an "as required" basis. OHCHR therefore needs to liaise with the Division of Conference Management and the Office of Programme Planning, Budget and Accounts to identify ways to strengthen the review processes to ensure the accuracy of budgetary projections of the Council's decisions.

Recommendation 2

26. The Division of Conference Management, in consultation with the Department for General Assembly and Conference Management, should develop a strategy that will include the optimal permanent staffing levels required to provide acceptable standards of service. The strategy should take into account the capacity of the Department as a whole, including an assessment of any shortfalls in capacity or excess capacity at other duty stations, such as Nairobi, Vienna and New York, and the use of computer-assisted translation.

27. The Department for General Assembly and Conference Management stated that it fully supported the first part of the recommendation and would duly submit a proposal to the Fifth Committee. With regard to the second part, permanent capacity as a rule has always been set at a level to match the low watermark of the anticipated workflow, and the shortfall during peak periods is filled by contractual

services and temporary assistance, meaning that there is no planned idle capacity to absorb additional workload at other duty stations. This is the rationale behind the biennial calendar of conferences, which seeks to even out meetings across all duty stations. The use of contractual translation and temporary assistance, with their long lead times, cannot effectively address documents that are submitted late or over the page limits. If Member States require the Department to have additional flexibility to process such documents expeditiously, as implied in the recent draft resolution proposed by the Committee on Conferences (see A/64/32, annex I), then additional permanent capacity will be required and will need to be included in the strategy to be prepared. OHCHR and the Division of Conference Management will submit a draft of the statement of programme budget implications of the adoption of the draft resolution.

Recommendation 3

28. OHCHR should improve the timeliness of document submission and work with the Division of Conference Management to increase awareness of the implications of non-adherence to General Assembly resolution 47/202, in which the Assembly urged substantive departments of the Secretariat to comply with the rule which requires them to submit pre-session documents at least 10 weeks before the beginning of a session in order to permit their timely processing in all the official languages of the United Nations.

29. OHCHR accepted the recommendation. The Department for General Assembly and Conference Management stated that the Division of Conference Management had been highlighting this issue at every opportunity. Furthermore, even when all documents are submitted on time, the Division would need adequate permanent capacity in order to ensure timely processing and distribution.

Recommendation 4

30. The Department for General Assembly and Conference Management should prepare a document for consideration by the General Assembly consolidating existing guidelines on word and page limits and clarifying the number of words per page and pages per document for reports, including all documents submitted by the Secretariat directly and on behalf of intergovernmental bodies.

31. The Department stated that it was in the process of drafting such a document.

Recommendation 5

32. The Division of Conference Management, in cooperation with OHCHR, should improve coordination of activities that have an impact on the efficient provision of conferencing support to the Human Rights Council by designating focal points, holding regular meetings and conducting outreach activities.

33. The Department stated that a working group consisting of representatives of the Human Rights Council, OHCHR and the Division of Conference Management was collaborating in an effort to propose solutions to the current challenges.

(Signed) Inga-Britt Ahlenius
Under-Secretary-General for Internal Oversight Services